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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/027,223	12/20/2001	Richard Bromham	CML00120H(72470)	9050
22917	7590	06/03/2005	EXAMINER	
MOTOROLA, INC. 1303 EAST ALGONQUIN ROAD IL01/3RD SCHAUMBURG, IL 60196			LEE, JOHN J	
			ART UNIT	PAPER NUMBER
			2684	
DATE MAILED: 06/03/2005				

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/027,223

Applicant(s)

BROMHAM ET AL.

Examiner

JOHN J LEE

Art Unit

2684

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 10 December 2004.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 3,7,10,27-31,35-37 and 39-43 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 7,27-31,35-37, and 39-42 is/are allowed.
- 6) ☒ Claim(s) 3 and 10 is/are rejected.
- 7) ☒ Claim(s) 43 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Response to Arguments/Amendment

1. Applicant's arguments/amendments received on December 10, 2004 have been carefully considered but they are not persuasive because the teaching of all the cited reference reads on all the rejected claims with amended claims as set forth in the pervious rejection. Therefore, the finality of this Office Action is deemed proper.

Contrary to the assertions at pages 7 - 9 of the Arguments, claims 3 and 10 are not patentable.

Re claim 3: Applicant argues that the Hollenberg (US Patent number 6,091,956) does not teach the claimed invention "categories are described in applicant's specification at least pages 8, lines 29 to pages 9, lines 3". However, the limitation is not in the claim. It is noted that the features upon which applicant relies are not recited in the rejected claim(s). Although the claims are interpreted in light of the specification, limitations from the specification are not read into the claims.

Applicant's attention is directed to the rejection below for the reasons as to why this limitation is not patentable.

Claim Rejections - 35 USC § 102

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

3. **Claims 3 and 10** are rejected under 35 U.S.C. 102(b) as being anticipated by Hollenberg (US Patent number 6,091,956).

Regarding **claim 3**, Hollenberg discloses that a device (Fig. 2, 4) adapted and configured to be disposed on a nonautomotive roaming object (pedestrians (persons) or could be anything see Fig. 1) (column 11, lines 43 – column 12, lines 12) comprising a radio (Fig. 2, 4) that is compatible with a dedicated short range radio frequency-based roadside information service (Fig. 1, 2 and column 5, lines 13 – 65). Hollenberg teaches that a transmitter (32 in Fig. 1) that transmits information (providing services such as location, map, information of roadside service see abstract, Fig. 1, 2 and column 4, lines 34 – column 5, lines 46) regarding the nonautomotive roaming object (pedestrians (persons) or could be anything see Fig. 1) compatibly with the dedicated short range radio frequency (low power) based roadside information service (location data, map tracking information, areas, travel distances, area attractions...) (Fig. 1, 2, 6 and column 11, lines 43 – column 12, lines 40, where teaches service provider (transmitter) transmits variable information based on roadside information with low power short range radio frequency). Hollenberg teaches that a receiver (Fig. 2, 4) that receives information service information compatibly with the dedicated short range radio frequency-based roadside information service (Fig. 1, 2, 6, column 11, lines 43 – column 12, lines 40, and column 4, lines 34 – column 5, lines 46, where teaches the receiver receives the variable information based on roadside information service from the service provider with low power (short range) radio frequency). Hollenberg teaches that the object information includes category information (see Fig. 2, 4) that identifies the nonautomotive roaming

object as belonging to a particular predefined category (column 8, lines 63 – column 10, lines 41 and Fig. 2, 4, 6, where teaches the transmitter transmits information data including category information for products, stores or price for products that identifies the nonautomotive roaming object such that stores products). Specially, applicant argues that the references fail to show the limitation “categories are described in applicant’s specification at least pages 8, lines 29 to pages 9, lines 3”, it is noted that the features upon which applicant relies are not recited in the rejected claim(s). Although the claims are interpreted in light of the specification, limitations from the specification are not read into the claims.

Regarding **claim 10**, Hollenberg discloses all the limitation, as discussed in claim 3. Furthermore, Hollenberg further discloses that the transmitter is disabled upon the receiver receiving a transmitter disable signal (column 25, lines 62 – column 26, lines 50 and Fig. 1, 15, where teaches the message is presented to the user if any site cannot be reach or provide or its downloading halts list downloading).

Allowable Subject Matter

4. Claims 7, 27-31, 35-37, 39-42 are allowed.

Claims 7, 27-31, 35-37, 39-42 are allowable over the prior art of record because a search does not detect the combined claimed elements as set forth in the claims 7, 27-31, 35-37, 39-42.

As recited in independent claims 7, 27, 28, 35, 37, and 41, none of the prior art of record teaches or fairly suggests that a transmitter comprises a dedicated short range

transmitter that includes a high power mode of operation that is activated by receipt of a control signal by the receiver that commands the device to transmit, using the transmitter, a high power signal that identifies the nonautomotive roaming object, and transmitting a message that indicates at least a likelihood that the device will imminently be involved in a collision with a vehicle, and nonautomotive roaming object is presently located proximal to a plurality of other nonautomotive roaming objects and automatically initiating a predetermined action, transmitting the activity history regarding disablement of the transmitter can be utilized to dynamically adjust insurance coverage terms, and whenever the approximate present velocity of the nonautomotive roaming object at least exceeds a threshold, automatically disabling the transmitter, and together with combination of other element as set forth in the claims 7, 27-31, 35-37, 39-42. Therefore, claims 7, 27-31, 35-37, 39-42 are allowable over the prior art of records.

5. Claim 43 is objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

The prior art of record fails to disclose “a signal includes a repeat command to determine whether the device is a device identified by information within the signal, and when the device is not the identified, to transmit information obtained from the received signal including the repeat command and the device identification, by the transmitter of the device, and wherein the repeat command is also acted upon by the device as the transmitter disable signal after the information obtained within the received signal is transmitted” as specified in the claim 43.

6. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the mailing date of this final action.

Conclusion

Any response to this action should be mailed to:

Commissioner of Patents and Trademarks
Washington, D.C. 20231

or faxed (703) 308-9051, (for formal communications intended for entry)

Or: (703) 308-6606 (for informal or draft communications, please label "PROPOSED" or "DRAFT").

Hand-delivered responses should be brought to USPTO Headquarters,
Alexandria, VA.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to **John J. Lee** whose telephone number is **(571) 272-7880**.

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He can normally be reached Monday-Thursday and alternate Fridays from 8:30am-5:00 pm. If attempts to reach the examiner are unsuccessful, the examiner's supervisor, **Nay Aung Maung**, can be reached on (571) 272-7882. Any inquiry of a general nature or relating to the status of this application should be directed to the Group receptionist whose telephone number is (703) 305-4700.

J.L
May 24, 2005

John J Lee


NAY MAUNG
SUPERVISORY PATENT EXAMINER.